

Good Morning and thank you for allowing me to provide written testimony to this committee hearing on Senate Bills 1026 and 1076.

Senate Bill 1026 prohibits the drilling oil and gas wells in cities or townships with a population of 70,000 or more, unless the municipal supervisor and clerk have been notified of the permit application and hold two public hearings about it.

"The supervisor may grant a waiver from the requirement of 1 subsection (1) if the clerk of the city, village, or THE supervisor determines, pursuant to a 2 public HEARINGS held before the waiver is granted, that the proposed well location will not cause waste and there is no reasonable alternative for the location of the well that will allow the oil and gas rights holder to develop the oil and gas."

In essence the last part of the bill allows the DEQ to ignore the result of the public hearings and approve the wells anyway. If approved with this language the people have no real recourse with which to protect their own property rights. In addition there is no way for the supervisor to determine that the "proposed well will not cause waste."

Using the 2010 census, the exemption requiring local approval based on population of 70,000 or more applies only to 21 townships or cities in Michigan out of 1,240 townships, 276 cities and 257 villages (21 of 1773 municipalities). While legislators are elected from their respective districts, they are sworn to protect the rights of all Michigan citizens as granted by the constitution of the United States and the constitution of the State of Michigan. The intent may not be a deliberate ignorning of the citizens of 1752 communities of the state but it does leave them out of any input. Perhaps before this bill is allowed to amend the law it intends to, further consideration should be given to the people who will be affected, adversely or other wise, by these wells allowing them their rights as citizens of the United States and of the State of Michigan. The right to make a profit over the right of the public to live life, have liberty and pursue happiness in a safe, clean environment is not granted in either of the afore mentioned constitutions.

Senate Bill 1076 states that a township WITH A POPULATION OF LESS THAN 70,000 OR A COUNTY shall not regulate or control the drilling, completion, or operation of oil or gas wells or other wells drilled for oil or gas exploration purposes and shall not have jurisdiction OVER the issuance of permits for the location, drilling, completion, operation, or abandonment of such wells. As a firefighter of a local community I cannot see where the Fire Marshal of a given community does not have input to any constrution that affects the members of his department from executing their duty to protect themselves and the public. In fact the DEQ Office of Oil, Gas and Minerals has not conferred with the State Fire Marshal's Office and their Storage Tank Division which is directly affected by this drilling process.

It also states that "an ordinance shall not prevent the extraction of valuable natural resources from any property unless very serious consequences would result from the extraction of those natural resources. Natural resources ARE considered valuable for the purposes of this section if a person, by extracting the natural resources, can receive revenue and reasonably expect to operate at a profit." Based on that, it requires the person/company who wants to extract those resources

to

1) prove that the natural resources exists in that property and

2) than no "serious consequences" would result from extracting them. Factors to be considered when determining if extraction poses a "serious consequence" include:

- The relationship of extraction and associated activities with existing land uses.
- The impact on existing land uses in the vicinity of the property.
- The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.
- The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property
- The impact on other identifiable health, safety, and welfare interests in the local unit of government.
- The overall public interest in the extraction of the. specific natural resources on the property.

Given the fact that humans will be involved in these operations there are no gaurantees that any serious consequences will not occur. Not allowing the people elected and their appointees, firefighters and police officers to not have input as to ensure the safety of the public within their jurisdiction is again a violation of the constitiutions that we are sworn to uphold.

Finally, the bill allows for municipalities to regulate the following factors:

- hours of operation
- blasting hours
- noise levels-dust control measures
- traffic

However it then states that these regulations must be "reasonable in accommodating customary mining operations." Exactly what does that mean? It is quite possible that a well reasoned arguement against a municipality regulating any of those four factors can trump the rights of the citizens in that jurisdiction to any domestic peace.

Thank you again for this opportunity.

Respectfully Submitted,

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Sent from my Verizon Wireless 4G LTE smartphone